WAC 48-20-070 External appeals board review. The external appeals board shall review the challenged bill, together with any other pertinent material furnished by the local government and the state auditor's office. Within ten days after its selection, the external appeals board shall submit written findings and recommendations to the state auditor and to the local government. [Statutory Authority: 1982 c 206 § 3. 82-14-023 (Order), § 48-20-070, filed 6/28/82.]

WAC 48-20-080 Review and final decision by state auditor. Within ten days after receipt of the findings and recommendation of the external appeals board, the state auditor shall issue a final written decision accepting, rejecting, or modifying the recommendation of the appeals board. The final decision shall be delivered to the local government, which shall promptly pay the bill as rendered in the final decision. [Statutory Authority: 1982 c 206 § 3. 82-14-023 (Order), § 48-20-080, filed 6/28/82.]

WAC 48-20-090 Failure to follow procedure—Waiver. Any local government which fails to follow the appeal procedures outlined in this chapter will be deemed to have waived its appeal, and shall promptly pay any bill submitted by the state auditor. [Statutory Authority: 1982 c 206 § 3. 82-14-023 (Order), § 48-20-090, filed 6/28/82.]

WAC 48-20-100 Appeal board administrative costs. The office of the state auditor will provide facilities, clerical staff, and necessary expenses for appeals boards selected pursuant to this chapter. [Statutory Authority: 1982 c 206 § 3. 82-14-023 (Order), § 48-20-100, filed 6/28/82.]

Title 50 WAC BANKING, DIVISION OF

Chapters	
50-12	Banks and trust companies.
50-16	Consumer Finance Act rules.
50-20	Industrial loan companies.
50-24	Public records.
50-40	Satellite facilities—Banks, trust companies and mutual savings banks.
50-44	Schedule of costs of examinations.

Chapter 50–12 WAC BANKS AND TRUST COMPANIES

WAC	
50-12-040	Schedule of fees for banks, trust companies, stock savings banks, mutual savings banks, and alien banks.
50-12-090	Purchase or sale of United States government securities solely for customers' account not within purview of RCW 30.04.200.

WAC 50-12-040 Schedule of fees for banks, trust companies, stock savings banks, mutual savings banks, and alien banks. The supervisor shall collect in advance the following fees: (1) \$2,000.00 for filing application for a certificate of authority and attendant investigation for a new bank or trust company. If the cost therefor (computed on the basis of \$30.00 per employee hour devoted by the division of banking to processing and investigating the application) exceeds \$2,000.00, the applicant shall pay such excess when ascertained by the supervisor.

- (2) \$1,500.00 for filing an application for certificate authorizing an alien bank to establish and operate an office in the state of Washington and attendant investigation. If the cost therefor (computed on the basis of \$30.00 per employee hour devoted by the division of banking to processing and investigating the application) exceeds \$1,500.00, the applicant shall pay such excess when ascertained by the supervisor.
- (3) \$500.00 for filing an application for certificate authorizing an alien bank to establish and operate a bureau in the state of Washington. If the cost therefor (computed on the basis indicated in (1) and (2) above) exceeds \$500.00, the applicant shall pay such excess when ascertained by the supervisor.
- (4) \$500.00 for filing an application for a certificate of authority for a branch and attendant investigation. If the cost therefor (computed on the basis of \$30.00 per employee hour devoted by the division of banking to processing and investigating the application) exceeds \$500.00, the applicant shall pay such excess when ascertained by the supervisor.
- (5) \$500.00 for filing an application for a certificate conferring trust powers and attendant investigation. If the cost therefor (computed on the basis of \$30.00 per employee hour devoted by the division of banking to processing and investigating the application) exceeds \$500.00, the applicant shall pay such excess when ascertained by the supervisor.
- (6) \$2,000.00 for filing merger, consolidation or reorganizational agreement and attendant investigation. If three or more banks are involved, then the fee for each is \$1,000.00. If the cost therefor (computed on the basis of \$30.00 per employee hour devoted by the division of banking to processing and investigating the application) exceeds the specified fee, the applicant surviving bank shall pay such excess when ascertained by the supervisor.
- (7) \$300.00 for filing an application for a certificate of appropriate adjunct and attendant investigation. If the cost therefor (computed on the basis of \$30.00 per employee hour devoted by the division of banking to processing and investigating the application) exceeds \$300.00, the applicant shall pay such excess when ascertained by the supervisor.
- (8) \$300.00 for filing application to relocate main office or branch and attendant investigation. If the cost therefor (computed on the basis of \$30.00 per employee hour devoted by the division of banking to processing and investigating the application) exceeds \$300.00, the

applicant shall pay such excess when determined by the supervisor.

- (9) \$100.00 for issuing each branch certificate for branch resulting from merger.
- (10) \$100.00 for filing articles of incorporation, or amendments thereof, or other certificates required to be filed with the supervisor.
- (11) \$100.00 for issuing a certificate of increase or decrease of capital stock or issuing a certificate of authority.
- (12) Fifty cents per page for furnishing copies of papers filed with the supervisor.
- (13) \$300.00 for filing an application for approval of the supervisor for a bank, trust company, mutual savings bank, or stock savings bank to provide a satellite facility or facilities which are to be used exclusively by its own customers. In the event the application is for approval of the supervisor to provide more than one such satellite facility, the filing fee on such a multiple application is \$300.00 for the first such satellite facility and \$100.00 for each additional satellite facility. This fee shall be deemed to include the cost of processing the application and the cost of an attendant investigation, but if the cost therefor (computed at \$30.00 per employee hour plus actual expenses) exceeds the filing fee, the applicant shall pay such excess when ascertained by the supervisor.
- (14) \$100.00 for the issuance of a certificate of approval to provide a satellite facility.
- (15) \$1,000.00 for filing an application for approval of a network system of satellite facilities as defined in WAC 50-40-010(4). This fee shall be deemed to include the cost of processing the application and the cost of an attendant investigation, but if the actual cost of such processing and investigation (computed at \$30.00 per employee hour plus actual expenses) exceeds the filing fee, the applicant shall pay such excess when ascertained by the supervisor.
- (16) \$100.00 for each application to modify a previously approved network system made in accordance with WAC 50-40-060(1) or (2). The fee for application to modify a previously modified supervisor at \$30.00 per employee hour plus actual expenses, with a minimum fee of \$100.00 per application.
- (17) \$200.00 for issuing certificate of approval for capital notes. [Statutory Authority: RCW 30.04.030. 82–24–074 (Order 48), \$50–12–040, filed 12/1/82. Statutory Authority: RCW 30.08.095. 79–04–042 (Order 40), \$50–12–040, filed 3/23/79; Order 32, \$50–12–040, filed 10/2/75; Order 27, \$50–12–040, filed 6/3/74; Order 20, \$50–12–040, filed 8/6/73; Order 4, \$50–12–040, filed 5/15/69, eff. 6/16/69.]

WAC 50-12-090 Purchase or sale of United States government securities solely for customers' account not within purview of RCW 30.04.200. The provisions of RCW 30.04.200 shall not prohibit banks or the officers or employees thereof in the course of their employment from purchasing and selling securities and stocks without recourse, solely upon the order and for the account

of customers of the bank, or from dealing in, underwriting and purchasing for the account of the bank obligations of, or obligations guaranteed as to principal and interest by, the United States or agencies thereof or of any state or political subdivision thereof. [Statutory Authority: RCW 30.04.030. 83-01-082 (Order 49), § 50-12-090, filed 12/17/82.]

Chapter 50-16 WAC CONSUMER FINANCE ACT RULES

ess.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

50-16-990 Appendix to Small Loan Act rules, [Letters (codified as WAC 50-16-990), filed 3/23/60.] Repealed by 82-24-074 (Order 48), filed 12/1/82. Statutory Authority: RCW 31.08.230.

WAC 50-16-020 Record keeping—General. Each licensee shall install and maintain, in connection with the business done in each licensed office, such books, accounts and records as will lend themselves readily to inspection and audit by the supervisor of banking or his representatives, and shall maintain separate books and records pertaining to the business done under the provisions of the Consumer Finance Act in the event any other type of business is conducted in the same office by the licensee. [Statutory Authority: RCW 31.08.230. 82–24–074 (Order 48), § 50–16–020, filed 12/1/82; Rule 50–16–020, filed 12/20/63; 50–16–020, filed 1/17/61; 50–16–020, filed 12/12/60; Small Loan Act Rules (part), filed 11/29/60; Small Loan Act Rules, § 1 (part), filed 3/23/60.]

WAC 50-16-025 Allocation of expenses to consumer finance business. If any other business than that authorized under the Consumer Finance Act is conducted in the same office, the licensee shall fairly and equitably allocate all expenses for the purpose and with the result that the books relating to the licensee's business under the Consumer Finance Act will fairly reflect the expense of conducting such business. [Statutory Authority: RCW 31.08.230. 82-24-074 (Order 48), § 50-16-025, filed 12/1/82; Rule 50-16-025, filed 12/20/63; 50-16-025, filed 1/17/61; 50-16-025, filed 12/12/60; Small Loan Act Rules (part), filed 11/29/60; § 1 (part), filed 3/23/60.]

WAC 50-16-030 Books, files and accounting records required. At least the following books, files and accounting records shall be maintained:

- (1) Loan register.
- (a) Every loan shall be recorded in the loan register, which shall be kept currently in the order made showing the following information:
 - (i) Number of loan
 - (ii) Date of loan
 - (iii) Name of borrower
 - (iv) Amount of loan
- (b) As an alternative method for maintaining records, the licensee may maintain a copy of the disclosure statement in a separate binder, and in chronological order.
- (2) Borrowers' individual account cards or looseleaf ledgers. A separate account record shall be maintained for each loan made to any one borrower. Each such account record shall provide space for the proper recording of the following information:
 - (a) Loan register number of loan
 - (b) Date of loan
 - (c) Name and address of borrower
- (d) Rate at which charges are to be computed or the annual percentage rate (APR), if less than the maximum
 - (e) Terms of repayment
 - (f) Face amount of note
 - (g) If charges are precomputed:
 - (i) Principal amount of loan
 - (ii) Total amount of charges
- (iii) Amount which may be collected as a default charge
 - (h) Payments received showing:
 - (i) Date of payment
- (ii) Amount paid on principal or amount paid on note when charges have been precomputed
- (iii) Remaining principal balance or remaining face amount of note when charges have been precomputed
- (iv) Amount paid on charges, except when charges are precomputed
- (v) Date to which charges are paid, except when charges are precomputed
- (vi) The amount of default and/or deferment charges collected
 - (i) Name and address of co-maker or endorser, if any
 - (i) Date of maturity of loan
 - (k) Amount of charge for life insurance
- (l) When a note has been reduced to judgment, the face of the account record must show the following:
 - (i) Date of judgment
 - (ii) Amount of judgment
 - (iii) Court costs

Thereafter, all payments received must be applied on the judgment and properly identified.

- (3) Cash book. Acceptable records showing all cash receipts and disbursements.
- (4) Alphabetical record of makers, endorsers, comakers, sureties. Cards or other records of makers, endorsers, comakers or sureties, showing liability thereof on all loans.
- (5) General ledger. The general ledger, which shall be posted at least once as of the close of business on a fixed date (preferably the last business day) of each month, and a trial balance taken therefrom. When the general

ledger for the office is maintained elsewhere, a copy of the monthly trial balance shall be forwarded to the consumer finance office, showing the following information as of the end of each month:

- (a) Total number and amount of precomputed loans
- (b) Reserve for unearned precomputed charges
- (c) Total number and amount of nonprecomputed loans
- (d) Total number and amount of contracts outstanding
- (e) Total number and amount of all other loans, being loans not made under the Consumer Finance Act. [Statutory Authority: RCW 31.08.230. 82–24–074 (Order 48), § 50–16–030, filed 12/1/82; 79–04–042 (Order 40), § 50–16–030, filed 3/23/79; Rule 50–16–030, filed 12/20/63; 50–16–030, filed 1/17/61; 50–16–030, filed 12/12/60; Small Loan Act Rules (part), filed 11/29/60; § 1(part), filed 3/23/60.]

WAC 50-16-045 Loans. (1) Numbering and filing. Each loan made shall have its proper account number and all instruments taken in connection with any loan must bear this account number. All such instruments and papers required by the Consumer Finance Act to be retained by the licensee shall be filed so as to be readily available for inspection at any time, and shall be retained for a period of two years after date of final entry.

- (2) Payment schedule. All loan contracts shall provide for substantially equal payments, and such payments shall be due not less frequently than once in each month. If agreed by the parties to the loan contract the due date of the first installment may be not more than fifteen days more than one month from date of loan. A month shall be that period of time from any date in a month to a corresponding date in the next month and if there is no corresponding date, then to the last day of the next month. [Statutory Authority: RCW 31.08.230. 82-24-074 (Order 48), § 50-16-045, filed 12/1/82; 79-04-042 (Order 40), § 50-16-045, filed 3/23/79; Rule 50-16-045, filed 12/20/63; 50-16-045, filed 1/17/61; 50-16-045, filed 12/12/60; Small Loan Rules, § II, filed 11/29/60; § 2, filed 3/23/60.]
- WAC 50-16-055 Rebate of precomputed charges. (1) General. When the loan is prepaid in full, a rebate of the precomputed charge must be made either by the method prescribed by the Consumer Finance Act in RCW 31.08.160(3)(b) or by recomputing charges on actual unpaid balances for the actual time outstanding.
- (2) Prepayment before first installment date. If prepayment in full occurs before the first installment date the rebate must be made as of the exact day of prepayment. In addition to the standard rebate as of the first installment, an additional rebate of one—thirtieth of the portion of the precomputed charge applicable to a first installment period of one month shall be made for each day from the date of such prepayment to the first scheduled installment date. The full amount of the precomputed charges may be rebated and charges recomputed on the unpaid principal balance for the actual time such balance was outstanding.

- (3) Prepayment after first installment date. When prepayment in full occurs on an installment date the rebate must be made as of that installment date. When an installment date precedes the prepayment date by fifteen days or less, the rebate shall be made as of such preceding installment date. When an installment date precedes the prepayment date by sixteen days or more, the rebate shall be made as of the first installment date following such prepayment (except during the first installment period.)
- (4) Renewal, refinanced, judgment obtained before maturity. When the contract is renewed or refinanced before maturity, or judgment is obtained before maturity, the same rebate is required as for prepayment in full. [Statutory Authority: RCW 31.08.230. 82–24–074 (Order 48), § 50–16–055, filed 12/1/82; Rule 50–16–055, filed 12/20/63; 50–16–055, filed 1/17/61; 50–16–055, filed 12/12/60; Small Loan Rules, § III B, filed 11/29/60.]

WAC 50-16-065 Statement to borrower--Receipt. Every licensee shall:

- (1) Deliver to the borrower at the time the loan is made, a statement of the loan as provided in RCW 31.08.170(1) of the Consumer Finance Act and shall retain a copy of said statement which shall bear an acknowledgment by the borrower that he has received the original thereof.
- (2) Procure a receipt from the borrower for the proceeds of the loan. (Statement of loan, acknowledgment by borrower and receipt for proceeds of loan, for convenience, may be incorporated in one instrument.)
- (3) All of the above instruments shall be retained by the licensee for a period of not less than two years after recorded date of cancellation of the note. [Statutory Authority: RCW 31.08.230. 82–24–074 (Order 48), § 50–16–065, filed 12/1/82; Rule 50–16–065, filed 12/20/63; 50–16–065, filed 1/17/61; 50–16–065, filed 12/12/60; Small Loan Rules, § IV, filed 11/29/60; § 4(a), filed 3/23/60.]
- WAC 50-16-070 Advertising. (1) General. No licensee in any of its advertising or upon any of its forms, instruments or stationary shall use any phrase or expression referring to its authority or supervision by the state, or any department thereof, or the supervisor of banking, except the following: "Licensed under the Washington Consumer Finance Act" or "under state regulation," or both: *Provided*, That when either such phrase is employed, it shall be used in conjunction only with the business of making small loans under the Consumer Finance Act.
- (2) Misleading advertising. All advertising, printed or spoken, shall be truthful in statement and implication and shall not be of such a nature as may reasonably be construed to be misleading or deceptive. In determining whether any particular advertising matter violates the provisions or intent of RCW 31.08.150, the supervisor will give consideration to general arrangement of copy

- and to whether, from statements made, the inference or impression may reasonably be drawn that such statements or representations are inaccurate, deceptive or misleading. It shall be considered misleading:
- (a) To use phrases such as "lowest costs," "lowest rates," "quickest service," "legal rates," "no red tape," "easy payments," "repayment in easy installments."
- (b) To advertise "new reduced rates" or "a new type of service" or any such similar comparative expression unless such statement is in fact accurate with respect to the business of the licensee so advertising and unless such advertisement clearly indicates that such new plan refers specifically to a change in the particular licensee's plan of operation, and which change must be of more than minor importance with respect to the business of the licensee. Any such advertisement shall not be used for a period longer than sixty days after such plan has been put into effect.
- (3) Blind loan advertisements. Licensees shall not use blind loan advertisements such as using only telephone numbers or newspaper box addresses. Every advertisement shall clearly indicate the identity of the licensee.
- (4) Disclosure of extension charge. Licensees shall not advertise that in the event of sickness or disability or other contingency, payment will be extended without also stating that charges continue during the period of extension, if such is the fact.
- (5) **Distribution of handbills.** No licensee shall distribute, or cause to be distributed, handbills or similar advertising matter except in the office of the licensee or through the mails.
- (6) Credit cards—Letters of credit. No licensee shall solicit business by means of "credit cards," "letters of credit," or other similar devices which indicate that a holder has an established credit standing with a licensee unless such holder has made a bona fide application to the licensee and credit has actually been established.
- (7) Inducements prohibited. No licensee shall, by any representation or device, either directly or indirectly, offer to any persons anything of value by means of which they will be encouraged to become borrowers or for recommending, referring, or inducing applicants to apply for or secure loans from any such licensee.

Note: The distribution of articles of trivial value for general good will advertising, in the ordinary course of business, will not be deemed to be in violation of this prohibition.

- (8) Charges and payments specified. When examples or tables of periodic payments under a flat payment plan are advertised, they shall include all charges to the borrower as well as principal. If principal payments only are advertised, a clear statement of the rate of charge or the total amount of charge shall be included. In all such advertising the total number and frequency of payments must be specified. No advertising shall include average repayments or average cost of a loan.
- (9) Retention of advertising copy. Each licensee shall retain for a period of one year from date of use, with date of use indicated thereon, information disclosing the

medium through which any advertisement was disseminated, identical copies of all advertising material published, distributed, broadcast or televised, available for inspection by the supervisor at any time.

All form letters sent to former or present customers soliciting additional loans shall be considered advertising. If the advertisement relates to a specific office maintained by the licensee, the material must be maintained in that office. If the advertisement relates to the licensee's business generally and does not relate to a particular office, the material need be maintained only in one office in this state designated by the licensee. [Statutory Authority: RCW 31.08.230. 82-24-074 (Order 48), § 50–16–070, filed 12/1/82; 79–04–042 (Order 40), § 50-16-070, filed 3/23/79; Rule 50-16-070, filed 12/20/63; 50–16–070, filed 1/17/61; 50–16–070, filed 12/12/60; Small Loan Rules, § V, filed 11/29/60; § 5, filed 3/23/60.]

WAC 50-16-075 Restrictions on insurance. (1) No licensee shall write or sell insurance on the life of any borrowers where such insurance is a condition to the granting of a loan.

(2) No insurance shall be required in connection with any loan made under the Consumer Finance Act, except as and to the extent authorized by RCW 31.08.175. [Statutory Authority: RCW 31.08.230. 82-24-074 (Order 48), § 50-16-075, filed 12/1/82; 79-04-042 (Order 40), § 50–16–075, filed 3/23/79; Rule 50–16–075, filed 12/20/63; 50–16–075, filed 1/17/61; 50–16–075, filed 12/12/60; Small Loan Rules, § VI A and B, filed 11/29/60; § 3(d), filed 3/23/60.]

WAC 50-16-095 Knowledge of the law and regulations. Each licensee shall be responsible for assuring that any person making loans on behalf of the licensee under the Consumer Finance Act shall have a sufficient understanding of the statutes and regulations applicable to its business so as to insure compliance with the Consumer Finance Act. [Statutory Authority: RCW 31.08-.230. 82-24-074 (Order 48), § 50-16-095, filed 12/1/82; 79-04-042 (Order 40), § 50-16-095, filed 3/23/79; Rule 50–16–095, filed 12/20/63; 50–16–095, filed 1/17/61; 50-16-095, filed 12/12/60; Small Loan Rules, § VII B, filed 11/29/60; § 7(b), filed 3/23/60.]

WAC 50-16-990 Repealed. See Disposition Table at beginning of this chapter.

Chapter 50-20 WAC INDUSTRIAL LOAN COMPANIES

WAC

50-20-050 Restrictions as to charges.

50-20-055 Alternate interest charges.

WAC 50-20-050 Restrictions as to charges. (1) No company shall charge the borrower for notarial fees.

(2) No industrial loan company shall require the purchasing of property insurance from the company or any employee, affiliate or associate of the company or from any agent, broker, or insurance company designated by the company as a condition precedent to the making of a loan nor shall any company decline existing insurance which meets or exceeds the standards set forth in this section.

A company may provide insurance on the life and disability of one borrower and on the life of the spouse of the borrower if both are obligors, provided that such insurance coverage shall not exceed the approximate unpaid balance of the total amount repayable under contract of indebtedness scheduled to be outstanding. The premium or cost for all such insurance when written pursuant to the Washington insurance code and regulations issued thereunder, shall not be deemed interest, charges or consideration in connection with the loan transaction and any gain or advantage to the lender arising out of the premium or cost of the insurance or from its sale shall not be a violation of any provision of chapter 31.04. The amount of the premium or cost of such insurance may be included in the original loan amount and may be paid from the proceeds of the loan.

If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing, or otherwise, the credit life and/or accident and health insurance coverage shall be cancelled and a portion of the charge made for such insurance shall be rebated as provided by the Washington insurance code and regulations issued thereunder.

- (3) No company shall make any charge for the filing, recording or releasing of mortgages or other instruments or for transferring title certificates to automobiles unless such charges are or are in fact to be paid out by the company to the proper officials for such filing, recording, transferring or releasing thereof.
- (4) In the event a company makes a new loan where any part of the proceeds is used to pay the amount due it on an existing loan within four months from date of the existing loan, no charge for investigation fee shall be permitted.
- (5) Any note which is prepaid in full by cash, a new loan, refinancing, or otherwise before the final due date, the unearned portion of the interest shall be refunded using the sum of the digits method commonly known as the "Rule of 78's."

Provided, however, That in the case of any loan originally scheduled to be repaid in sixty-one months or more which is secured by an investment certificate, the refund of the unearned portion of the interest shall be computed as follows: Interest shall be considered earned at the single nominal annual percentage rate which if applied to the unpaid amounts of principal outstanding from time to time would produce the same total of interest paid at maturity as originally contracted for, based upon the assumption that all payments were made on the loan according to the schedule of payments due on the certificate and calculations were made according to the actuarial method. Interest earned so calculated up to the scheduled due date nearest the date of prepayment shall be subtracted from the original amount of interest included in the note and the balance of such interest shall be refunded.

For purposes of this calculation only, the original principal amount of the loan shall be deemed to be the amount of the total note less the interest deducted in advance. Actuarial method means the method of allocating payments made between principal and interest whereby a payment is applied first to the interest accumulated to date and the remainder then applied to the unpaid principal amount. In computing an actuarial refund, the lender may round the single annual percentage rate used to the nearest quarter of one percent.

In computing any required refund, any prepayment made on or before the fifteenth day following the scheduled payment date on the investment certificate shall be deemed to have been made on the payment date preceding such prepayment. In the case of prepayment prior to the first installment date, the company may retain an amount not to exceed 1/30 of the first month's interest charge for each date between the origination date of the loan and the actual date of prepayment. [Statutory Authority: RCW 31.04.150(2). 82–24–074 (Order 48), § 50–20–050, filed 12/1/82; 80–13–024 (Order 43), § 50–20–050, filed 3/23/79; Order 5, § 50–20–050, filed 1/2/4/69; § 5, filed 3/23/60.]

WAC 50-20-055 Alternate interest charges. (1) An industrial loan company may contract for and receive charges on a loan of money at an annual percentage rate not in excess of the rate which would produce at the scheduled maturity date of the loan the same total of charges including interest, the two percent initial charge deducted in advance and monthly service charge, as would be received on a loan with an equal net cash advance secured by an installment investment certificate made pursuant to RCW 31.04.090 at the maximum rates permitted, all calculations being based upon the assumption that the loan and purchase of the investment certificate are paid in accordance with their terms.

In such case, charges shall be computed by applying the annual percentage rate to the unpaid balances of the cash advance of the loan outstanding for the time outstanding. Each payment shall be applied first to accumulated charges and the remainder of the payment applied to the unpaid balance of the cash advance until paid in full. Charges shall not be payable in advance nor compounded; however, if part or all of the consideration for a new loan contract is the unpaid balance of a prior loan, then the original cash advance payable under such new loan contract may include any unpaid charges which have accrued (the unpaid balance of the cash advance of a discounted loan shall be the balance due after giving effect to any required refund or credit of interest charged). For the purpose of computing charges on this alternative basis, the charges for each elapsed day shall be 1/365th of the annual rate. The term "net cash advance" as used herein means the "amount financed" disclosed to the borrower pursuant to the federal Truth-in-Lending Act.

(2) The provisions of RCW 31.04.090 as they relate to investment certificates are not applicable to loans upon which interest is computed and charged on this

basis. [Statutory Authority: RCW 31.04.150(2). 82-24-074 (Order 48), § 50-20-055, filed 12/1/82.]

Chapter 50-24 WAC PUBLIC RECORDS

WAC	
50-24-030	Description of central and field organization of divi- sion of banking.
50-24-040	Operations and procedures.
5024110	Review of denials of public records requests.
50-24-120	Protection of public records.
50-24-140	Information generally—Address.

WAC 50-24-030 Description of central and field organization of division of banking. Division of banking. The division of banking is an administrative, supervisory, licensing and chartering agency. The administrative office of the division of banking and its staff is located in the General Administration Building, Olympia, Washington. In addition to this office of record, a field office, for the convenience of the field examiners for the preparation of their reports of examination and other official duties, is maintained in Seattle, Washington. The Seattle office is not a depository for public records and none are available at that office for public inspection or copying. [Statutory Authority: RCW 42.17.250. 82-24-074 (Order 48), § 50-24-030, filed 12/1/82; 79-04-042 (Order 40), § 50-24-030, filed 3/23/79; Order 14, § 50–24–030, filed 5/1/73.]

WAC 50-24-040 Operations and procedures. The primary purpose of the division of banking is the maintenance of a sound banking system and a sound consumer finance system, the prevention or irresponsible acts by members of the banking and financial system, and the insuring that these systems serve the needs and convenience of the public through the fostering of appropriate competition and operating efficiency. In order to accomplish this purpose, the division of banking's duties are divided into two major areas, i.e., examination and chartering.

The supervisor of banking has authority to examine the operations of all state banks, trust companies, mutual savings banks, consumer finance companies, indusloan companies, industrial development corporations, stock savings banks, alien banks, bank holding companies, and agricultural credit corporations. These duties are carried out through a full-time staff of field examiners employed by the division of banking. The examiners examine the books and records of an institution in order to detect any violations of the relevant statutes or regulations and to determine if good industry practices are being followed. After receipt of the examination reports, the supervisor communicates the results to the managing group of the institution examined and requires any violations of law or regulations to be corrected.

The other main function of the division of banking is action upon applications by various groups to establish a financial institution or to change an existing one. The following general pattern or procedure is followed in such decision making by the supervisor of banking. This pattern is used and applies to applications:

- (1) To incorporate new state chartered banks, mutual savings banks or trust companies;
- (2) To establish branches of existing banks, mutual savings banks or trust companies;
 - (3) Applications for agricultural credit corporations;
 - (4) Applications for stock savings banks;
 - (5) Applications for satellite (ATM) network systems;
- (6) Applications for trust powers to be conferred upon the existing banks or trust companies;
 - (7) Applications to establish subsidiary corporations;
 - (8) Merger applications;
- (9) Applications to move the main office or branch;
- (10) Applications for licenses for consumer finance companies or additional branches thereof;
- (11) Applications for charter of industrial loan companies or additional branches thereof; and
- (12) Applications for industrial development corporations. An application is filed accompanied by the filing fee set by statute or regulation. After the application has been fully documented and supported by all required schedules, statements, etc., an investigator is assigned to make the field investigation or survey. Upon completion of the field investigation and after analysis of all of the factors generally considered as required by pertinent statutes, the assigned investigator submits his written report including his summary and recommendations. Based upon the findings of the investigator and his recommendations, the supervisor of banking will then either approve or deny the application.

Operations are channeled and actions determined, and the public may obtain information, submit requests, or obtain copies of public records from the above listed office of the supervisor of banking in Olympia. In general, the public may obtain information, make submittals or requests, or obtain copies of division of banking decisions as follows:

- I. For state chartered banks, trust companies, mutual savings banks, stock savings banks, industrial development corporations, agricultural credit corporations, and satellite (ATM) network systems, or branches thereof:
- (a) Chartering supervisor of banking or deputy supervisor of banking;
- (b) Investigations, staff studies, research and instruction manuals assistant supervisor, deputy supervisor, or supervisor of banking.
- (c) Examinations chief bank examiner, assistant supervisor, or deputy supervisor;
- (d) General inquiries office receptionist or any of above named officials.
 - II. Consumer finance:
- (a) Chartering industrial loan companies supervisor or deputy supervisor of banking;
- (b) Licensing consumer finance companies supervisor or deputy supervisor of banking;
- (c) Investigations and examinations of both, either of above officials;
- (d) General inquiries deputy supervisor, supervisor of banking and chief examiner consumer finance.

General inquiries or requests to inspect public records may be made in person, as indicated above, or in writing addressed to the supervisor of banking, Olympia. Applications for permission to organize a new state bank, trust company, or mutual savings bank or for the chartering of a stock savings bank, or an industrial loan company, or for licensing of a consumer finance company, may be applied for in writing. However, as a matter of general procedure, it has been found desirable and is recommended that interested groups visit the office of the supervisor for a round-table discussion of requirements, forms to be filled out, fees payable to the supervisor of banking and the secretary of state, plus a general discussion of the primary market area the applicant wishes to serve and of the economic resources of that area together with a brief review of existing financial institutions already in that area. [Statutory Authority: RCW 42.17.250. 82-24-074 (Order 48), § 50-24-040, filed 12/1/82; Order 14, § 50-24-040, filed 5/1/73.]

WAC 50-24-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

- (2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the supervisor of banking. The supervisor of banking shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.
- (3) Administrative remedies shall not be considered exhausted until the division of banking has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Statutory Authority: RCW 42.17.250. 82–24–074 (Order 48), § 50–24–110, filed 12/1/82; Order 14, § 50–24–110, filed 5/1/73.]

WAC 50-24-120 Protection of public records. Public records shall be available for public inspection during regular office hours as provided for by regulation at the office of the Supervisor of Banking, General Administration Building, Olympia. No person shall be allowed to remove any records made available to him for inspection from the place designated for inspection by the public records officer. If copies are desired the person so desiring them shall inform the public records officer who shall then either have the copies made or make the copying facilities of the division of banking available for copying. [Statutory Authority: RCW 42.17.250. 82-24-074 (Order 48), § 50-24-120, filed 12/1/82; 79-04-042 (Order 40), § 50-24-120, filed 3/23/79; Order 14, § 50-24-120, filed 5/1/73.]

WAC 50-24-140 Information generally—Address. All communications with the division of banking including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules, requests for copies of the division of banking's decisions and other matters, shall be addressed as follows: Division of Banking, Records Officer, General Administration Building, Olympia, Washington 98504. [Statutory Authority: RCW 42.17.250. 82-24-074 (Order 48), § 50-24-140, filed 12/1/82; 79-04-042 (Order 40), § 50-24-140, filed 3/23/79; Order 14, § 50-24-140, filed 5/1/73.]

Chapter 50-40 WAC

SATELLITE FACILITIES—BANKS, TRUST COMPANIES AND MUTUAL SAVINGS BANKS

WAC	
50-40-010	Definitions.
50-40-020	Application.
50-40-030	Repealed.
50-40-040	Adoption of form.
50-40-050	Network systems.
50-40-060	Modification of approved network systems.
50-40-070	Approval—Disapproval—Request for hearing.
50-40-990	Appendix I—Form—Application to provide satellite facility.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

50-40-030

Public convenience. [Order 27, § 50-40-030, filed 6/3/74.] Repealed by 82-24-074 (Order 48), filed 12/1/82. Statutory Authority: RCW 30.04.030.

WAC 50-40-010 Definitions. As used in these regulations:

(1) "Supervisor" means supervisor of banking appointed pursuant to RCW 43.19.020.

- (2) "Satellite facilities" within the meaning of chapter 30.43 RCW include, without limitation, both "on-line" and "off-line" cash dispensing or automated teller facilities which are not on the premises of the financial institution whose customers use these facilities. Such facilities constitute "satellite facilities" irrespective of whether they are owned by the financial institution or by others
- (3) "Switch" means an electronic or paper-based switching system, pursuant to which transactions in a network system of satellite facilities are effected, routed and processed.
- (4) "Network system" means one or more satellite facilities the use of which is shared on a contractual basis among more than one participating financial institution and which are identified with a common trademark or trade name.
- (5) "Sponsor" means the owner or operator of a network system. [Statutory Authority: RCW 30.04.030. 82-24-074 (Order 48), § 50-40-010, filed 12/1/82; Order 27, § 50-40-010, filed 6/3/74.]

WAC 50-40-020 Application. Application for approval to provide a satellite facility or facilities which

are to be used exclusively by the customers of one state-chartered bank, trust company, stock savings bank, or mutual savings bank shall be submitted in accordance with this section. The application shall be filed with the supervisor's office in Olympia on the form set forth in WAC 50-40-990 and must include the minimum fee required by WAC 50-12-040(13).

The applicant shall submit the following information with the application form:

- (1) Types of transactions to be conducted.
- (2) Details as to ownership and operation of the facility or facilities.
- (3) If requested by the supervisor to aid the determination of whether the public convenience will be served by the proposed satellite facility or facilities, an analysis of the trade area to be served by the proposed facility or facilities. Included within this analysis shall be a study of the number of customers of the applicant living, working and/or shopping in the trade area to be served by the proposed satellite facility or facilities and the likelihood of those customers using the facility. [Statutory Authority: RCW 30.04.030. 82–24–074 (Order 48), § 50–40–020, filed 12/1/82; Order 27, § 50–40–020, filed 6/3/74.]

WAC 50-40-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 50-40-040 Adoption of form. The division of banking hereby adopts for use of all persons requesting approval to provide a satellite facility or facilities which are to be used exclusively by the customers of one state-chartered bank, trust company, stock savings bank, or mutual savings bank, the form attached hereto as Appendix 1 (WAC 50-40-990), entitled "Application to Provide Satellite Facility." [Statutory Authority: RCW 30.04.030. 82-24-074 (Order 48), § 50-40-040, filed 12/1/82; Order 27, § 50-40-040, filed 6/3/74.]

WAC 50-40-050 Network systems. Application for approval to establish or operate a network system in which one or more state-chartered banks, trust companies, stock savings banks, or mutual savings banks participate shall be submitted in accordance with this section. Application may be made either by the sponsor or by one or more participating financial institutions. The application shall include the following:

- (1) A copy of a resolution of the governing body of each state—chartered bank, trust company, stock savings bank, or mutual savings bank participating in the network system, authorizing such participation.
- (2) A list showing the exact location of each proposed satellite facility, including the street address, city and state. If a satellite facility is to be located in a retail store, institution, office building or other type of merchant or business establishment, indicate the name and type of establishment. If a satellite facility is to be located in a shopping center, state the name of the shopping center.

- (3) A list of all equipment necessary to operate the network system, including the terminal (specify manufacturer), auxiliary equipment, and the data centers where transactions will be routed.
- (4) Identification and description of the type of activator and personal identification code (PIC) which will be used by customers at satellite facilities to access their accounts, as well as indication of how and by whom the activator and the PIC will be issued, with a description of the security measures to be taken.
- (5) A summary of the design and general operating features of the network system. At a minimum, this response must include a discussion of:
 - (a) The proposed hours of operation;
- (b) the mode of operation (i.e., off-line, off-line with on-line terminals, on-line, or a combination);
 - (c) transactions and transaction restrictions;
- (d) procedures for verification, authorization, storage and posting of transactions;
- (e) receipts, audit trails, "hot-card" files, and any other measures used to protect the integrity of the system;
- (f) the switch, including (i) an explanation of the means by which a transaction is routed to the appropriate data centers; (ii) a description of logging and audit procedures for the purpose of verifying transactions processed through the switch; (iii) the identity of all data centers involved in the operation of the system; (iv) the identity of any party or parties other than the sponsor responsible for operation of the switch, (v) a description of the sponsor's or such other party's or parties' experience and qualifications in switch operation, and (vi) procedures for operation during terminal, switch, or CPU down—time (whether scheduled or unscheduled).
- (6) If there are financial institutions participating in the network system which do not have offices within this state, evidence that satellite facilities in the jurisdiction in which such institutions are organized are made available on a reciprocal basis to financial institutions which have offices in the state of Washington.
- (7) Such identification of the party or parties who will own and maintain the satellite facilities as the supervisor may require.
- (8) Evidence of bonding and insurance coverage for the sponsor and other parties involved in operation of the switch or network system.
- (9) A complete description in full detail of the procedures for protection of customer privacy and the confidentiality of account information.
- (10) A summary description of the procedures to be used to protect against fraudulent use of the network system.
- (11) Copies of agreements between financial institution participants and the sponsor. If the agreements are in standardized form, a sample will suffice.
- (12) Names and head office addresses of all financial institutions who will participate in the network system.
- (13) A description of the method of sharing, including the organizational structure of the network system and the basis for sharing capital expenditures and operating costs.

- (14) A certified copy of a resolution of the governing body of the sponsor which (a) authorizes the supervisor to conduct such examinations of the network system and its various component parts as are deemed necessary by the supervisor; (b) sets forth the agreement of the sponsor to pay the supervisor's expenses incurred in such examinations in accordance with the supervisor's rates for special examinations of financial institutions as set forth in WAC 50-44-030; (c) gives assurances to the supervisor that such authorization and agreement shall not be withdrawn until the expiration of at least thirty days after notice of such withdrawal has been given to the supervisor; and (d) confirms the understanding of the sponsor that failure to permit such examination by the supervisor shall be grounds for immediate suspension of the supervisor's approval of the network system. [Statutory Authority: RCW 34.04.030. 83-02-013 (Order 50), § 50–40–050, filed 12/23/82.1
- WAC 50-40-060 Modification of approved network systems. (1) A previously approved network system which desires to add satellite facilities shall submit in writing to the supervisor the exact location of each proposed additional satellite facility, including the street address, city and state. If a satellite facility is to be located in a retail store, institution, office building or other type of merchant or business establishment, indicate the name and type of establishment. If a satellite facility is to be located in a shopping center, state the name of the shopping center.
- (2) A previously approved network system which desires to add participating financial institutions shall, either separately or in conjunction with the financial institution, submit to the supervisor the name and head office address of each such financial institution. For each such additional financial institution which is a state—chartered bank, trust company, stock savings bank or mutual savings bank, a copy of a resolution of the governing body of such institution authorizing participation in the network system shall also be submitted.
- If the proposed additional financial institutions do not have offices in this state, evidence of the type required under WAC 50–40–050(6) shall be submitted to the supervisor for the jurisdiction in which such institution is organized, unless such information has previously been submitted for such jurisdiction.
- (3) A previously approved network system which proposes to modify its system so that the information previously submitted to the supervisor will no longer accurately describe such system, shall submit in writing to the supervisor such information necessary to describe accurately such system as modified. [Statutory Authority: RCW 30.04.030. 82–24–074 (Order 48), § 50–40–060, filed 12/1/82.]
- WAC 50-40-070 Approval—Disapproval—Request for hearing. The supervisor shall notify the applicant and, in the case of a network system, all participating state—chartered banks, trust companies, stock savings banks and mutual savings banks, of the approval of the satellite facilities or network system or modification

thereto. If the supervisor disapproves the application, reasons for such disapproval shall be set forth in the written notice of disapproval. The applicant may request a hearing before the supervisor by submitting a written request therefor within twenty days of the date of the supervisor's notice of disapproval. Such hearing and all further proceedings shall be governed by the provisions of chapter 34.04 RCW. [Statutory Authority: RCW 30-.04.030. 82-24-074 (Order 48), § 50-40-070, filed 12/1/82.]

WAC 50-40-990 Appendix I--Form--Application to provide satellite facility.

APPENDIX I FORM—APPLICATION TO PROVIDE SATELLITE FACILITY

(NOT TO BE CONSTRUED TO BE THE ESTABLISHMENT OF A BRANCH.)

To the Supervisor of Banking:

(Bank, Trust Company, Stock [Savings Bank,] or
Mutual Savings Bank, hereinafter referred to as the
Applicant),,Washington
(City)
hereby initiates application for approval to provide satellite facilities at
(Include street designation or approximate location in terms of nearest intersection)
(City or Town, indicate direction if outside city
limits)
, Washington.
(County)
The location of the proposed satellite facility would be miles distant from the main office and

(Name) of the Applicant

miles distant from the nearest branch

We enclose a verified copy of a resolution adopted ____ by the Board of Directors or Board of Trustees (Date)

of the Applicant, duly authorizing the undersigned to make this application, and obligate the Applicant for necessary costs. Also enclosed is a check to apply upon the costs of investigation. If the cost of investigation to be made exceeds the minimum required by WAC 50–12–040(13), the Applicant will pay such excess in accordance with that section.

We also enclose the supporting data required by WAC 50-40-020.

SUBSCRIBED AT	, Washington[,]
this day of	
	(Please type name and position under signature)

[Statutory Authority: RCW 30.04.030. 82–24–074 (Order 48), § 50–40–990, filed 12/1/82; Order 27, Appendix I (codified as WAC 50–40–990), filed 6/3/74.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 50–44 WAC SCHEDULE OF COSTS OF EXAMINATIONS

WAC	
50-44-010	Collection of examination costs—Collection method.
50-44-020	Semi-annual asset charge—Assessment.
50-44-030	Additional fees and charges—Special examinations—
	Branch offices.
50-44-040	Special assessment for working capital.

WAC 50-44-010 Collection of examination costs-Collection method. The requirement of RCW 30.04.070 that the supervisor collect from each bank, mutual savings bank, stock savings bank[,] trust company, or industrial loan company, the estimated cost of examinations, shall be met in accordance with the procedures established in this chapter. Costs shall be recouped by the following methods: Semi-annual asset charges, a charge for each branch office in operation, and an hourly charge for the number of hours spent by division personnel in specialized examinations. In addition, a special assessment will be made over the next two years to provide working capital for the banking examination fund. [Statutory Authority: RCW 30.04.030. 82-24-074 (Order 48), § 50-44-010, filed 12/1/82. Statutory Authority: RCW 34.04.070. 82-02-037 (Order 45), § 50–44–010, filed 12/31/81.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 50-44-020 Semi-annual asset charge—Assessment. A semi-annual charge for assets will be computed upon the asset value reflected in the most recent report of condition. The rate of such charge shall be as set forth in the following schedules:

(1) Commercial banks. If the bank's total assets are:

The assessment is:

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	1	\$ 500	.0000850	0
1	10	1,000	.0000850	1
			[0008000.]	
10	100	1,000	[.0080000.]	1
100	300	1,000	.0000600	· 1
300	500	1,000	.0000575	1
500	700	1,000	.0000538	1
700	900	1,000	.0000525	1
900	1,000	1,000	.0000500	1
1,000	·	1,000	.0000450	1

(2) Alien banks.

If the bank's total assets are:

The assessment is:

 Over	But not Over	This Amount	Plus	Of Excess Over	
 Million	Million			Million	
0	200	\$1,000	.0000625	1	
200	300	1,000	.0000600	1	
300	500	1,000	.0000575	1	
500	700	1,000	.0000550	1	
700	1,000	1,000	.0000500	1	
1,000	· —	1,000	.0000450	1	

(3) Mutual savings banks and stock savings banks.

If the bank's total assets are:

The assessment is:

Over	But not This ver Over Amount		Plus	Of Excess Over	
Million	Million			Million	
0	100	\$3,000			
100	200	1,000	.0000225	1	
200	500	1,000	.0000200	1	
500	1,000	1,000	.0000175	1	
1,000	3,000	1,000	.00001625	1	
3,000	· —	1,000	.0000150	1	

(4) Industrial loan companies.

If the total assets on a consolidated basis are:

The assessment is:

Over	But not Over	This Amount		Plus	Of Excess Over
Million	Million				Million
0	1	\$	250		
1	_		250	.000075	1

The supervisor's office shall forward by first-class mail a notice to each respective financial institution showing the total amount of the asset charge due. The notices shall be mailed during the months of February and August, commencing in February 1982. The asset charge must be received by the office of the supervisor of banking within thirty days from the time the supervisor's notice is mailed. An additional two hundred dollar penalty shall be assessed if the amount is not paid within the time specified. [Statutory Authority: RCW 30.04-030. 82-24-074 (Order 48), § 50-44-020, filed 12/1/82. Statutory Authority: RCW 34.04.070. 82-02-037 (Order 45), § 50-44-020, filed 12/31/81.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 50-44-030 Additional fees and charges— Special examinations—Branch offices. Each bank, mutual savings bank, trust company, or industrial loan company shall pay to the supervisor the following fees:

- (1) For special examinations and reviews as determined by the supervisor, thirty dollars per hour; (Special examinations are for the express purpose of examining unusual conditions or circumstances, including extensions of regular examinations wherein conditions may warrant extension of time required in the examination beyond normal allotted time);
- (2) For electronic data processing examination, trust examination, or other examination requiring specialized expertise, thirty dollars per hour;
- (3) For each bank branch in operation at the time of any periodic examination, seventy-five dollars;
- (4) For each industrial loan company branch in operation at the time of any periodic examination, one hundred fifty dollars.

The supervisor shall submit a statement for the foregoing charges following the completion of any applicable examination, and the charges shall be paid not later than thirty days after submission of such statement. [Statutory Authority: RCW 34.04.070. 82–02–037 (Order 45), § 50–44–030, filed 12/31/81.]

WAC 50-44-040 Special assessment for working capital. To provide working capital funds to meet salary, travel, and goods and services expenses which do not correlate with receipt of funds from examinations conducted, banks, trust companies, mutual savings banks, and industrial loan companies will be levied an asset charge at the rate reflected in the following table on each of the following four dates: October 25, 1981, March 1, 1982, October 25, 1982, and March 1, 1983. The assessment charge will be computed on total assets as of the last day of the preceding quarterly period, and shall be paid within fifteen business days of the due date.

Total assets	Semi-annual assessment
0 — 2 million	\$ 350
2 — 10 million	750
10 — 50 million	1,500
50 — 100 million	2,500
100 — 300 million	3,000
300 — 500 million	3,500
500 — 1,000 million	4,000
1,000 million	6,000

[Statutory Authority: RCW 34.04.070. 82–02–037 (Order 45), § 50–44–040, filed 12/31/81.]

Title 67 WAC COMMISSION FOR THE BLIND

Chapters	
67-14	Public recordsDisclosure.
67-15	Commission-General administration.
67-20	Vocational rehabilitation and services for
	blind persons.
67-30	Services for the blindGeneral.
67-32	Vending facility program for the blind.
67-40	Prevention of blindness.